

**OPINION
57-148**

August 22, 1957 (OPINION)

RECORDS

RE: Secretary of State - Search - Fees

We have your letter of August 21, 1957, in which you request an opinion of the construction to be given to subsection 7, section 54-0904. Chapter 336, Session Laws of 1957, which provides for fees to be paid the Secretary of State, "7. For searching records and archives of the state, two dollars;"

Webster's New Collegiate Dictionary (1956 Ed.) defines "search" as it is used in the legal sense as, "To examine (a public record), as for information pertinent to the title of land." In the case of Church v. St. Paul and N.P.R. Co., 33 Minn. 410, 23 N.W. 860 (1885), a statute was construed which resembles the one under consideration. The court there said, "The statute is not very explicit, but it seems to us that the 'search' here referred to must be limited to a search for some particular paper or record, or to ascertain a particular fact."

It is therefore the opinion of the Attorney General that any time you provide information at the request of a party and it is necessary to secure that information from records of the state, or in any case in which to grant a request for information or particular facts and you are required to examine the records in your office to determine the existence or nonexistence of that fact, then subsection 7 of section 54-09004, Chapter 336, Session Laws of 1957, is applicable and you must charge the requesting party the required two dollars.

In your letter you point out that you are occasionally requested by telephone to examine your index to determine the availability of a corporate name or a trademark. We believe that such action very definitely constitutes a search within the meaning of subsection 7 above referred to. You also state that you receive requests for information on the corporate status of particular companies the answer to which requires you to examine into the particular corporate file. This too, we believe, constitutes a "search" within the meaning of subsection 7.

LESLIE R. BURGUM

Attorney General